

**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of J.M.,  
Police Officer (S9999U),



City of Jersey City

Medical Review Panel Appeal

CSC Docket No. 2020-2161

**ISSUED: JULY 2, 2021 (BS)**

J.M., represented by Stephen B. Hunter, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel (Panel) on September 25, 2020, which rendered a Report and Recommendation on September 30, 2020. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. It indicates that Dr. Krista Dettle (evaluator on behalf of the appointing authority) conducted a psychological evaluation of the appellant and noted that the appellant evidenced problems including poor judgment, poor social competence, and impulse dyscontrol. In that regard, Dr. Dettle found that the appellant minimized several negative events in his background, including a termination that he misrepresented as being "laid off" due to an arrest. The appellant had been arrested in 2013 for punching his girlfriend in the face, an incident which he referred to as "small," "minor," and "not severe." Dr. Dettle stated that, although the appellant enrolled in anger management counseling as a result of this incident, he dropped out after two months because "he didn't feel he belonged there" and that "there were a lot of people in the group who did much worse things" than the appellant. A temporary restraining order was also issued in connection with the incident. However, Dr. Dettle noted that the appellant was currently still involved in a relationship with the same woman. Additionally, Dr. Dettle cited the appellant's poor academic record, having dropped out of high school after failing the ninth grade twice. The psychological testing supported Dr. Dettle's impression of the appellant. As a result, Dr. Dettle failed to recommend the appellant for appointment to the subject position.

The Panel's report also indicates that Dr. David Gallina (evaluator on behalf of the appellant) carried out a psychiatric evaluation and opined that, "with reasonable medical certainty," the appellant was psychologically fit to perform the duties of a Police Officer. Dr. Gallina characterized the 2013 incident as "a silly argument" that "got out of control." Dr. Gallina noted that this was an isolated incident "reflective" of the appellant's "young age," and his difficulties and responsibilities which he "prematurely had to shoulder." The appellant was 18 years old at that time and his girlfriend had become pregnant. The appellant continued the relationship, and he now has two children, with another one on the way, with the same woman who works as a Police Officer. Dr. Gallina noted that the appellant had no previous or subsequent violent behavior or police involvement, nor did he have a history of previous psychiatric or psychological treatment or evaluation. Moreover, the appellant had no history of behavioral or emotional problems. Dr. Gallina attributed the appellant's early withdrawal from school as "simply lack of attentiveness to academics." Dr. Gallina emphasized that the appellant is financially stable, has no history of substance abuse, and has a clean driving record. He also opined that the appellant's anger management treatment helped him to mature and assume adult responsibilities successfully. Dr. Gallina concluded that the appellant presented as a mature and responsible adult, fully capable of assuming the role of a Police Officer.

The Panel noted that the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. It set forth that the appointing authority's evaluator was concerned about problems with the appellant's judgment, social competence, and impulse dysregulation. By contrast, the appellant's evaluator saw the domestic violence incident as isolated and that the anger management classes had been successful. Upon its review, the Panel did not view the appellant's employment or academic history as concerning enough to psychologically disqualify him from the position. However, although the Panel noted that there was no clear pattern of violence preceding the 2013 domestic violence incident, or no known incidents since, the Panel found this incident to be significant in light of the job specification for Police Officer. The Panel found that the appellant's strategy for dealing with anger management issues, consisting of breathing and walking away, had been successful for him at home and with recent jobs. However, as a Police Officer, the appellant would not be able to walk away from situations which could trigger him. Therefore, the Panel determined that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicated that the appellant was psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. The Panel recommended that the appellant be removed from the subject eligible list. Lastly, the Panel commented that the appellant "must continue to remain free of violent incidents, and that receiving more treatment, with resulting better awareness of triggers and an improved plan to safely deescalate himself might serve him well should he re-apply for the position."

In his exceptions, the appellant argues that the Panel failed to consider that he had passed a comprehensive background investigation, which he claims is a “substantial element of the entire hiring process,” or he would not have been required to undergo a psychological examination. The appellant contends that by focusing on one domestic violence incident, the Panel ignored all of the positive aspects of his continuing long-term relationship with the same women. The Panel’s failure to acknowledge the cognitive and maturation of the appellant since the 2013 incident “simply ignores substantial research” in the field of maturation based on the appellant’s “one acknowledged ‘huge mistake.’” Additionally, the appellant argues that there is no psychological diagnosis which would render him psychologically unsuitable for employment as a Police Officer as required, citing *In the Matter of Anastasia Vey*, 124 N.J. 534 (1991) and 135 N.J. 306 (1994). The appellant contends that Dr. Dettle “did not even attempt to establish, by any professionally accepted methods, that the six tests administered by her were predictive of or correlated to police work.” Dr. Dettle’s report contained no negative psychological findings or any conclusions that were traits or characteristics which would provide a basis for psychologically disqualifying the appellant. Accordingly, the appellant respectfully submits that he should be reinstated to the subject eligible list. In support of his exceptions, the appellant attaches his prior arguments, dated July 2, 2020, to the Civil Service Commission (Commission) and the Panel relative to Dr. Gallina’s report, which includes statements from the appellant’s girlfriend and letters of recommendation from various individuals, including law enforcement personnel. He also submits an article titled “When Are You Really an Adult?” by Julie Beck.

## CONCLUSION

The Job Specification for the title of Police Officer is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording

information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Commission has reviewed the Job Specification for this title and the duties and abilities encompassed therein and finds that legitimate concerns were raised by the appointing authority's evaluator concerning the appellant's 2013 domestic violence incident and his anger management strategies as described by the Panel, which support the recommendation of the Panel. The Commission is not persuaded by the appellant's exceptions which focus primarily on the appellant's maturity and the 2013 domestic violence arrest as an "isolated incident." Although the appellant argues that the Panel's Report and Recommendation do not satisfy the standards and principles articulated in *In the Matter of Anastasia Vey, supra*, the Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the raw data and recommendations and conclusions drawn by the various evaluators prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented to it. The Panel's observations regarding the appellant's appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants. Contrary to the appellant's exceptions, there are substantial linkages in the Panel's Report and Recommendation with the negative recommendation of Dr. Dettle, which included his termination from employment due to his arrest which he misrepresented as being "laid off" and his referral of the domestic violence incident as "small," "minor," and "not severe," as well as the concerns raised by the Panel about his anger management coping skills, to the job duties of the title which psychologically disqualifies him for the position. The Commission finds that any incident of domestic violence in a Police Officer candidate's background is of serious concern no matter how isolated or remote in time it may be. Such an incident may be psychologically disqualifying regardless of whether an appointing authority does not disqualify an individual during a background investigation because of the incident.

Therefore, in this case, considering the position at issue and the negative recommendations of Dr. Dettle and the Panel, the Commission cannot ratify the appellant's psychological fitness to serve as a Police Officer at this time. The appellant should take heed of the recommendation of the Panel that treatment, which includes an improved plan to safely deescalate himself and an awareness of triggers, may be beneficial for reapplication to the subject position in the future. Accordingly, the Commission upholds the appellant's removal from the subject eligible list.

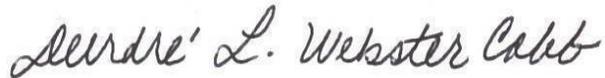
### **ORDER**

The Commission finds that the appointing authority has met its burden of proof that J.M. is psychologically unfit to perform effectively the duties of a Police Officer

and, therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 30<sup>TH</sup> DAY OF JUNE, 2021



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